

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

FILED BY *[Signature]* D.C.

05 OCT 12 PM 2:42

CYNTHIA PREECE,)	THOMAS M. GOULD
)	CLERK, U.S. DISTRICT COURT
Plaintiff,)	CASE NO. 05cv2548-B/P WD OF TN MEMPHIS
)	
v.)	
)	
MEDCO HEALTH SOLUTIONS, INC.)	
JOHN DOE and/or JANE DOE,)	
)	
Defendants.)	

SCHEDULING ORDER

Pursuant to written notice, a scheduling conference pursuant to Rule 16(b) of the Federal Rules of Civil Procedure is set to be held on October 13, 2005. Counsel advised of the conference were Randall Fishman and James W. Curry, Ballin Ballin & Fishman, P.C., counsel for plaintiff, and George H. Parsells, III, McElroy, Deutsch, Mulvaney & Carpenter, LLP and John W. Campbell, Husch & Eppenberger, counsel for defendant. At the conference, the following dates were established as final dates for:

INITIAL DISCLOSURES PURSUANT TO Fed.R.Civ.P. 26(a)(1): October 20, 2005

JOINING PARTIES: December 20, 2005

AMENDING PLEADINGS: December 20, 2005

INITIAL MOTIONS TO DISMISS: February 20, 2006

COMPLETING ALL DISCOVERY: May 24, 2006

- (a) SERVICE OF DOCUMENT REQUESTS, INTERROGATORIES, and REQUEST FOR ADMISSIONS: November 20, 2005
- (b) COMPLETION OF DEPOSITIONS: May 24, 2006
- (c) EXPERT WITNESS DISCLOSURE (Rule 26):

This document entered on the docket sheet in compliance
with Rule 58 and/or 79(a) FRCP on *10-13-05*

- (1) DISCLOSURE OF PLAINTIFF'S RULE 26 EXPERT INFORMATION: February 20, 2006
- (2) DISCLOSURE OF DEFENDANT'S RULE 26 EXPERT INFORMATION: March 20, 2006
- (3) EXPERT WITNESS DEPOSITIONS: May 24, 2006

FILING DISPOSITIVE MOTIONS: May 24, 2006

OTHER RELEVANT MATTERS:

Each party shall be entitled to ten (10) depositions. No depositions may be scheduled to occur after the discovery cutoff date. All motions, requests for admissions, or other filings that require a response must be filed sufficiently in advance of the discovery cutoff date to enable opposing counsel to respond by the time permitted by the Rules prior to that date.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or the service of the response, answer, or objection, which is the subject of the motion, if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or the objection to the default, response, answer, or objection shall be waived.

This case is set for jury trial. The pretrial order date, pretrial conference date, and trial date will be set by the presiding judge. *It is anticipated the trial will last 4 days.*

This case is appropriate for ADR. The parties are directed to engage in court-annexed attorney mediation or private mediation after the close of discovery.

The parties are reminded that pursuant to Local Rule 11(a) (1) (A), all motions, except motions pursuant to Fed. R. Civ. P. 12, 56, 59, and 60 shall be accompanied by a proposed order.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties have not consented to trial before the magistrate judge.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this order will not be modified or extended.

IT IS SO ORDERED.


Tu M. Pham
UNITED STATES MAGISTRATE JUDGE

DATE: October 11, 2005



Notice of Distribution

This notice confirms a copy of the document docketed as number 5 in case 2:05-CV-02548 was distributed by fax, mail, or direct printing on October 13, 2005 to the parties listed.

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Honorable J. Breen
US DISTRICT COURT